

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

KENNETH DURSTELER,)	
)	
Claimant,)	
)	
v.)	IC 99-021419
)	
BASIC AMERICAN FOODS, INC.,)	
)	
Employer,)	ORDER
)	
and)	Filed: April 25, 2006
)	
LUMBERMEN'S MUTUAL CASUALTY)	
COMPANY,)	
)	
Surety,)	
)	
and)	
)	
STATE OF IDAHO, INDUSTRIAL SPECIAL)	
INDEMNITY FUND,)	
)	
Defendants.)	
_____)	

Pursuant to Idaho Code § 72-717, Referee Rinda Just submitted the record in the above-entitled matter, together with her proposed findings of fact and conclusions of law, to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendation of the Referee. The Commission concurs with this recommendation. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant is totally and permanently disabled.

2. ISIF is liable for 84% of Claimant's permanent total disability pursuant to Idaho Code § 72-332.

3. BAF is liable for the remaining 16% of Claimant's permanent total disability.

4. BAF is responsible for the medical care that was reasonably necessary following Claimant's 1999 accident and shall compensate Claimant for any unpaid medical costs, including interest and penalties, if applicable, upon presentation of invoices and proof of payment.

5. All other issues are moot.

6. Pursuant to Idaho Code § 72-734, all compensation due and payable pursuant to this decision shall accrue interest from the date of the Commission's Order at the statutory rate of 8.375% as set by the State Treasurer effective July 1, 2005.

7. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all matters adjudicated.

DATED this 25 day of April, 2006.

INDUSTRIAL COMMISSION

/s/_____
Thomas E. Limbaugh, Chairman

/s/_____
James F. Kile, Commissioner

/s/_____
R.D. Maynard, Commissioner

ATTEST:

/s/_____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 25 day of April, 2006, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following persons:

PAUL T CURTIS
598 N CAPITAL AVE
IDAHO FALLS ID 83402

ERIC S BAILEY
PO BOX 1007
BOISE ID 83701-1007

PAUL B RIPPEL
PO BOX 51219
IDAHO FALLS ID 83405-1219

djb

/s/_____